

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

VERNARD MILES,

Plaintiff,

vs.

No. CV 16-00118 KG/CG

GREGG MARCANTEL, et al.,


Defendants.

**ORDER GRANTING MOTION TO REVERSE COURT ORDER  
AND RECONSIDERATION**

**THIS MATTER** is before the Court on Plaintiff Vernard Miles' Motion to Reverse Court Order and Reconsideration. (Doc. 12). This Court entered a Memorandum Opinion and Order dismissing the case for failure of the Plaintiff to pay the initial partial filing fee as required by the Court's Order of March 3, 2016. (Doc. 7). Plaintiff's Motion indicates that the payment was sent to the Court on April 6, 2016. (Doc. 12). The payment was received by the Court but apparently did not include an identifying case number and, through an inadvertent clerical error, was applied to the filing fee in another one of Plaintiff's pending cases. The Court has corrected its records and Plaintiff's Motion will be granted.

**IT IS ORDERED** that the Motion to Reverse Court Order and Reconsideration filed by Plaintiff Miles (Doc. 12) is **GRANTED** and the Court's April 25, 2016, Memorandum Opinion and Order (Doc. 10) and Judgment (Doc. 11) are **SET ASIDE**. Plaintiff will be required to continue to make future installment payments, until the filing fee is paid in full as previously ordered by the Court (Doc. 7). In order to ensure proper application of the installment payments

to the filing fee for this case, Plaintiff must include the case number, CV 16-00118 KG/CG, with each payment he sends to the Court.



UNITED STATES DISTRICT JUDGE